IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 9471 of 1995

Between:

1 T.MALLAIAH S/O VEERAIAH
R/O SIDDIPET MEDAK DIST
2 T.RANGAIAH S/O VEERAIAH
R/O SIDDIPET MEDAK DIST
3 T.KOTAIAH S/O VEERAIAH
R/O SIDDIPET MEDAK DIST
4 T.LINGAIAH S/O VEERAIAH
R/O SIDDIPET MEDAK DIST
5 T.RAJESHAM S/O VEERAIAH
R/O SIDDIPET MEDAK DIST

.....PETITIONER(S)

AND

1 THE MANDAL REVENUE OFFICER
SIDDIPET,MEDAK DIST
2 THE REVENUE DIVISIONAL OFFICER
SIDDIPET,MEDAK DIST
3 THE COMMISSIONER SIDDIPET MUNICIPALITY
SIDDIPET,MEDAK DIST

.RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus for bearing the respondent from interfering with structures made by the petitioners along with plant and machinery in an area of 7000sq.yards at door no.12-3-74, situated at Mangammathota, siddipet, Medak dist by the action of respondent is illegal and void

Counsel for the Petitioner:MR.T.SUBRAMANYAM

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

The present writ petition is filed questioning the action of the respondents in interfering with structures made by the petitioners along with plant and machinery in an area of 7000 sq.yards at Door
No. 12-3-74, Mangammathota, Siddipet, Medak district.

The petitioners claim to be owners of the subject premises and doing the business in the subject premises for the last more than
23 years and paying all the taxes as per law. The grievance of the petitioners is that without following due procedure contemplated under the law, the respondents are interfering with their possession and trying to demolish the compound wall. Hence, the present writ petition.

While admitting the writ petition, by order dated 2-5-1995, an interim order was passed directing the respondents not to demolish the subject structures.

Now a counter affidavit is filed by the first respondent denying the averments made in the writ petition and stating that the property in question falls in Survery No.1833 of siddipet village, which is recorded as “Gairan Sarkari” i.e., Government land. It is also stated that the petitioners or their predecessors have no legal right or interest in the property. That notices were issued to encroachers in other survey numbers and at that stage the petitioner has filed the present writ petition and stalled the proceedings.

In view of the specific averment made in the counter affidavit that the subject land is government land and petitioners have no right over the same, I see no reason to interfere in the matter. However, if the respondents proceed to evict the petitioners from the subject land, the same shall be in accordance with law, after issuing due notice and opportunity to the petitioners.

Subject to above observation, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

17-8-2004

TVK

To

1 The Mandal Revenue Officer,
Siddipet,MEDAK DIST
2 The Revenue Divisional Officer,
SIDDIPET,MEDAK DIST
3 The Commissioner Siddipet Municipality
SIDDIPET,MEDAK DIST

4. 2 CCs to Govt Pleader for Revenue, High Court of A.P.,

Hyderabad (OUT)

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